

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/4/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

ALL ASSETS OF ASA DRUGS, INCLUDING
\$207,644.00 IN UNITED STATES CURRENCY
ON DEPOSIT AT JP MORGAN CHASE, IN
ACCOUNT NUMBER XXX XXX XXX 865;

ALL ASSETS OF NASH PHARMACY,
INCLUDING \$1,492,892.00 IN UNITED
STATES CURRENCY ON DEPOSIT AT JP
MORGAN CHASE, IN ACCOUNT NUMBER XXX
XXX XXX 365; and

ALL ASSETS OF STAY SLIM PHARMACY,
INCLUDING \$128,534.00 IN UNITED
STATES CURRENCY ON DEPOSIT AT JP
MORGAN CHASE, IN ACCOUNT NUMBER XXX
XXX XXX 065,

Defendants-in-rem.

WHEREAS, on or about May 4, 2007, the United States
filed a civil forfeiture complaint against the above-captioned
defendant-in-rem assets (the "Defendant Assets"), in which it
alleged that the Defendant Assets are (a) property constituting
and derived from the proceeds of a Federal health care offense
and a conspiracy to commit a Federal health care offense, namely,
a scheme to defraud Medicaid, in violation of 18 U.S.C. §§ 1347
and 1349; (b) property constituting and derived from a conspiracy
to commit a Federal health care offense, namely, a scheme to pay
bribes or kickbacks to Medicaid patients to induce them to
purchase medicine, in violation of 18 U.S.C. § 371 and 42 U.S.C.

§ 1320a-7b(b)(2)(B), or property traceable to such property; and (c) property involved in actual or attempted money laundering transactions, or property traceable to such property, in violation of 18 U.S.C. §§ 1956 and 1957, and as such, are subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C);

WHEREAS, on or about June 25, 2007, Muhammed Nawaz Ahmad filed a claim to the assets of ASA Drugs and Stay Slim Pharmacy;

WHEREAS, on or about July 6, 2007, Sobia Shaheen filed a claim to the assets of Nash Pharmacy and Stay Slim Pharmacy (hereinafter, Muhammad Nawaz Ahmad and Sobia Shaheen are referred to as the "Claimants");

WHEREAS, on or about June 25, 2007, Muhammad Nawaz Ahmad filed a motion to stay this civil forfeiture action pending the outcome of a related criminal action, United States v. Muhammad Ejaz Ahmad, Muhammad Nawaz Ahmad, and Mohammad Tanveer, 06 Cr. 1135 (JGK), in which Muhammad Nawaz Ahmad is charged with (a) conspiring to pay illegal kickbacks to Medicaid recipients, in violation of 18 U.S.C. § 371; (b) defrauding Medicaid, in violation of 18 U.S.C. § 1349; and (c) using the means of identification of real persons in connection with the Federal health care fraud conspiracy, in violation of 18 U.S.C. § 1028A;

WHEREAS, on or about July 9, 2007, Sobia Shaheen joined in the motion of Muhammad Nawaz Ahmad to stay this civil forfeiture action, and the United States filed a response to the

joint motion to stay in which it consented to the entry of a stay;

WHEREAS, on or about September 6, 2007, the Court granted the motion to stay and entered an order to that effect;

WHEREAS, David E. Ruck., Esq., counsel for Muhammad Nawaz Ahmad, and J. Jeffrey Weisenfeld, Esq., counsel for Sobia Shaheen, have submitted applications and supporting documentation to the United States seeking the release of certain funds included in the Defendant Assets for the purpose of paying overdue tax liabilities owed by ASA Drugs, Nash Pharmacy, and Stay Slim Pharmacy;

IT IS HEREBY STIPULATED AND AGREED, by and between Muhammad Nawaz Ahmad, by and through his attorney, David E. Ruck, Esq.; Sobia Shaheen, by and through her attorney, J. Jeffrey Weisenfeld, Esq.; and the United States of America, by and through its attorney Michael J. Garcia, United States Attorney, Assistant United States Attorney Christine Meding; as follows:

1. The United States consents to the release of \$49,213.90 (the "Released Funds"), which shall be used to pay the following outstanding tax liabilities in the following amounts:

a. For ASA Drugs, a total of \$26,904.26 shall be released, for the following tax liabilities:

i. \$12,884.26 in taxes owed to the New York City Department of Finance for the tax year 2006;

ii. \$13,920.00 in taxes owed to the New York

City Department of Finance for the tax year 2007; and

iii. \$100.00 in taxes owed to the New York State Department of Taxation and Finance for the tax year 2007.

b. For Stay Slim Pharmacy, a total of \$8,714.15 shall be released, for the following tax liabilities:

i. \$6,137.07 in taxes owed to the Internal Revenue Service for the third and fourth quarters of tax year 2006 and the first quarter of tax year 2007;

ii. \$2,277.08 in employment, corporation, and sales taxes owed to the New York State Department of Taxation and Finance for the tax years 2006 and 2007; and

iii. \$300.00 in corporation taxes owed to the New York City Department of Finance for the tax year 2006.

c. For Nash Pharmacy, a total of \$14,219.74 shall be released, for the following tax liabilities:

i. \$10,687.99 in taxes owed to the Internal Revenue Service for the third and fourth quarters of tax year 2006;

ii. \$3,231.75 in employment and corporation taxes owed to the New York State Department of Taxation and Finance for

the tax years 2006 and 2007 (\$2,607.50)
and the tax period ending June 30, 2006
(\$624.25);

iii. \$300.00 in corporation taxes owed to the
New York City Department of Finance for
the tax year 2007.

2. The Released Funds shall be used only for the purpose of paying the outstanding tax liabilities listed in the previous paragraph and shall not be used for any other purpose. If the United States learns that the Released Funds have been used for any purpose other than to pay the outstanding tax liabilities listed above, the Claimants shall repay to the United States any funds that were not applied toward the outstanding tax liabilities.

3. It is understood between the parties that the release of funds described herein represents an extraordinary circumstance. The Claimants agree that they shall not seek the release of any additional funds in connection with any existing or any future tax liabilities while the stay is in effect.

4. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument and facsimile signatures shall be acceptable in lieu of original signatures.

5. Each party shall bear its own costs and attorney fees.

Dated: New York, New York

~~October~~
November, 2007

CONSENTED TO:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States

By:

Christine Meding
CHRISTINE MEDING
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007

DATE

11/5/07

MUHAMMAD NAWAZ AHMAD
Claimant

By:

David E. Ruck, Esq.
270 Madison Avenue
Suite 1500
New York, NY 10016

DATE

SOBIA SHAHEEN
Claimant

By:

J. Jeffrey Weisenfeld, Esq.
401 Broadway
Suite 306
New York, NY 10013

DATE

SO ORDERED:

THE HONORABLE MIRIAM G. CEDARBAUM
United States District Judge
Southern District of New York


5. Each party shall bear its own costs and attorney fees.

Dated: New York, New York
October __, 2007

CONSENTED TO:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States

By: _____ DATE _____
CHRISTINE MEDINO
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007

MUHAMMAD NAWAZ AHMAD
Claimant
By:  DATE 10-25-07
David E. Rock, Esq.
270 Madison Avenue
Suite 1500
New York, NY 10016

SOBIA SHAHEEN
Claimant

By: _____ DATE _____
J. Jeffrey Weisenfeld, Esq.
401 Broadway
Suite 306
New York, NY 10013

SO ORDERED:

THE HONORABLE MIRIAM G. CEDARBAUM
United States District Judge
Southern District of New York

10/Nov. 1. 2007 2:36 PM 1843 GOLDBERGER & DUBIN
10/Nov. 2007 12:00 PM GOLDBERGER & DUBIN

No. 7890 P. 8
No. 7802 P. 8

5. Each party shall bear its own costs and attorney

fees.

Dated: New York, New York
October 29, 2007

CONSENTED TO:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States

By: CHRISTINE MEDING
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007

DATE _____

MUHAMMAD NAWAZ AHMAD
Claimant

By: David E. Ruck, Esq.
270 Madison Avenue
Suite 1500
New York, NY 10016

DATE _____

SOBIA SHARREN
Claimant

By: J. Jeffrey Weisenfeld, Esq.
401 Broadway
Suite 306
New York, NY 10013

DATE 10/29/07

SO ORDERED:

5/
THE HONORABLE MIRIAM G. CEDARBAUM
United States District Judge
Southern District of New York

6 Dec. 3, 2007